

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

Public Inquiry on Regulations
Pertaining to 39 U.S.C § 601

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Docket No. PI2021-2

**COMMENTS OF THE ASSOCIATION FOR POSTAL COMMERCE
(August 26, 2021)**

Pursuant to Order No. 5930, the Association for Postal Commerce (“PostCom”) respectfully submits these comments on the Commission’s Notice and Order Providing an Opportunity to Comment on Regulations Pertaining to 39 U.S.C § 601. PostCom reaffirms our position in RM2020-4 that there is no need to examine such regulations at this time. Moreover, many of the topics identified for exploration by the Commission relate to potential Congressional actions that are outside of the Commission’s authority.

I. THERE IS NO IMMEDIATE NEED FOR RULES IMPLEMENTING § 601

Currently, no rules implement § 601, and to our knowledge no party has raised any issues regarding lack of clarity around the letter monopoly. No PostCom members have indicated that the lack of Commission rules implementing § 601 has caused significant confusion in the marketplace.

These reactions likely stem from the straightforward language of § 601. The statute sets forth three easily understandable exceptions to the prohibition on carriage of letters out of the mail: when the amount paid for the carriage is at least 6 times the current single-piece First-Class Mail rate; when the letter weighs at least 12.5 ounces; and when the carriage is within the exceptions identified by Postal Service regulations. It is difficult to see how Commission

regulations interpreting these standards would increase their clarity. In fact, promulgating regulations to implement this section may create, rather than dispel, confusion.

Accordingly, there is no immediate need for the Commission to issue rules to clarify the requirements of § 601.

II. THERE IS NO NEED FOR THE COMMISSION TO ADDRESS § 601(B)(3)

PostCom is not aware of any serious problems or issues raised by the implementation of § 601(b)(3). However, in the event that parties to this proceeding provide suggestions, PostCom recommends that the Commission allow for an adequate notice and comment period to respond to those suggestions.

Respectfully submitted,

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